

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of)
the License(s) to Conduct Gambling Activities of:)

NO. CR 2015-00253

Sluggers Sports Bar & Grill)
Kirkland, WA)

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

Licensee.)

I.

The Washington State Gambling Commission issued Sluggers Sports Bar & Grill (Sluggers) organization number 00-13600, the following license(s):

Number 05-07596, Authorizing Class "C" Punchboard Pull-Tab Activity.

The license expires on June 30, 2015, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

David Trujillo, Director of the Washington State Gambling Commission, charges the licensee with the following violations(s) of the Washington State Gambling Act, 9.46 RCW, WAC Title 230, and Commission rules:

SUMMARY:

The licensee failed to timely submit its gambling taxes due to the City of Kirkland. Additionally, Sluggers has failed to timely submit its activity reports.

FACTS:

- 1) On February 2, 2015, the Washington State Gambling Commission received a petition from the City of Kirkland requesting that the Commission revoke the gambling license issued to Sluggers.
- 2) Despite numerous requests by both the Commission and the City, as of January 27, 2015, Sluggers owed \$15,927.78 in Gambling Taxes to the City. A partial payment was last received on October 4, 2013.
- 3) The City of Kirkland issued Sluggers, Inc. a business license to operate within the city limits. The license expired in August 2014, and had not been renewed as of January 27, 2015.

- 4) Sluggers has also twice failed to timely submit its activity reports to the Commission and received a Notice of Violation and Settlement¹ for this repeat violation of WAC 230-14-284 (Case No. 2014-01676).
- 5) On February 11, 2015, Commission staff informed the agent that Sluggers failed to submit its activity reports for the 3rd and 4th quarters of 2014. Sluggers have failed to timely submit its activity reports at least four times in the last two years.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or certified employee, or any person with any interest therein:

(The following subsection applies.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities.

¹ Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

3) WAC 230-14-284 Activity reports for punchboard and pull-tab licensees

Punchboards and pull-tab licensees must submit an activity report to the Commission. Licensees must complete the report in the format we require and must:

(The following subsections apply.)

(1) Cover the periods: (a) January 1 through June 30; and (b) July 1 through December 31; and

(2) Be received at our administrative office or postmarked no later than thirty days following the end of the reporting period.

Sluggers' repeated failure to abide by applicable laws demonstrates not only a willful disregard for compliance but also demonstrates Sluggers' poses a threat to the effective regulation of gambling under WAC 230-03-085(1), (3), and (8). The City of Kirkland has requested the Commission revoke Sluggers' gambling license, consistent with WAC 230-03-085(4). Additionally, Sluggers repeated failure to submit its activity reports, in violation of WAC 230-14-284 (1) and (2), demonstrates its willful disregard for complying with state administrative rules. Therefore, grounds exist for the suspension or revocation of the license(s) to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

You have the right to a hearing. To have a hearing, or to settle the case, the Gambling Commission must receive the hearing request form back from you within 23 days. After we receive this form, we will call you about settlement options. If you do not return the form on time, your license will be revoked. (RCW 34.05.440.)

IV.

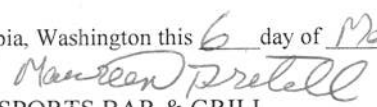
I have read this Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding, know the contents of it, believe it to be true, and have executed this Notice in my capacity as Director of the Washington State Gambling Commission.


DAVID TRUJILLO, DIRECTOR 3/5/2015
(DATE)

STATE OF WASHINGTON)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 6 day of March, 2015


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